

# TOUGH ANTI-DRUNK DRIVING LAWS

Michigan anti-drunk driving laws require swift and sure action resulting in severe consequences for drunk drivers.

Driving under the influence of, or while impaired by, alcohol or other drugs, or with a bodily alcohol content of .10 or more is illegal. Drivers with a bodily alcohol content of more than .07, but less than .10, are presumed to be impaired. Drivers with a bodily alcohol content of .10 or more are presumed to be under the influence.

It is illegal for drivers under age 21 to operate a vehicle if they have any bodily alcohol content. In Michigan, it is also illegal for people under the legal drinking age of 21 to buy, possess, consume, or transport alcoholic beverages.

## MICHIGAN'S TOUGH ANTI-DRUNK DRIVING LAWS:

- Require your license to be surrendered and cut up (physically destroyed) at the time of arrest for drunk driving.
- Require a mandatory 30-day driver license suspension for even a first conviction of OUIL/UBAC.
- Require 48 hours to one year of consecutive jail time and/or 30 to 90 days of community service for a second conviction of drunk driving.
- Include a 5-year felony for a conviction for drunk driving or driving while license suspended (DWLS) that causes a long-term incapacitating injury to another person.
- Include a 15-year felony for a conviction for drunk driving or DWLS causing a death.
- Eliminate hardship appeals for habitual drunk drivers.
- If you are arrested a second time for any alcohol offense within 7 years, you are considered a repeat offender.

- If you are convicted of a second drunk driving or third DWLS offense, your vehicle will be immobilized for 90 to 180 days.
- If you are revoked for a third drunk driving conviction within 10 years or have 4 additional suspensions/revocations within 7 years resulting from driving while suspended/revoked, you will be denied vehicle registration of any vehicle in your name until you are relicensed.



## IF YOU DRINK AND DRIVE...

- You may be stopped by a law enforcement officer.
- You may be asked to take some sobriety tests including a Preliminary Breath Test (PBT) at the roadside to determine whether you are under the influence of alcohol.  
  
If you refuse to take the PBT, you will be charged with a civil infraction and fined up to \$100 plus court costs. Persons under age 21 will also have two points added to their driving record.
- If you are arrested, you will be required to take a chemical test to determine your bodily alcohol content or presence of another drug in your blood. Under Michigan's Implied Consent Law, you are considered to have given your consent to this test.  
  
If you refuse, six points will be added to your driving record and your license will be suspended for six months. If you have previously refused to take the test, six points will be added to your driving record and your license will be suspended for one year.
- If you refuse to take the test under the Implied Consent Law, or if the test shows your bodily alcohol content is .10 or more, your driver license will be confiscated and cut up by the officer.



- If you are arrested for a second drunk driving or third DWLS offense, your metal license plate will be confiscated.

## YOU CAN BE CHARGED WITH:

- **Operating While Impaired (OWI)**, which means that because of alcohol or other drugs in your body, your ability to operate a motor vehicle was visibly impaired.
- **Operating Under the Influence of Liquor (OUIL)**, which means the alcohol in your body substantially affected your driving ability so that you could not operate a motor vehicle safely.
- **Operating Under the Influence of Drugs (OUID)**, which means that drugs in your body substantially affected your driving ability so that you could not operate a motor vehicle safely.
- **Operating With an Unlawful Bodily Alcohol Content (UBAC)**, which means at the time you were driving, your bodily alcohol content was .10 or more. This can be shown by a chemical test.
- **Under Age 21 Operating With Any Bodily Alcohol Content**, which means having a bodily alcohol content of .02 to .07 or any presence of alcohol, other than that consumed at a generally recognized religious ceremony.

## YOU MAY BE CONVICTED:

- If you are convicted of drunk or impaired driving, the court may order imprisonment, fines and costs, community service, alcohol treatment or education, vehicle forfeiture, immobilization, or a combination of these penalties.

CRIMINAL PENALTIES AND LICENSING ACTIONS FOR OUIL, OUID, UBAC AND OWI	
OUIL/OUID/UBAC	OWI
<b>FIRST OFFENSE</b> <ul style="list-style-type: none"> <li>\$100 to \$500 Fine and/or</li> <li>Up to 93 Days Jail and/or</li> <li>Up to 45 Days Community Service</li> <li>Driver License Suspension 6 Months (No Restricted License for First 30 Days)</li> <li>Possible immobilization up to 180 days</li> </ul>	<b>FIRST OFFENSE</b> <ul style="list-style-type: none"> <li>Up to \$300 Fine and/or</li> <li>Up to 93 Days Jail and/or</li> <li>Up to 45 Days Community Service</li> <li>Driver License Restrictions 90 days</li> <li>Possible immobilization up to 180 days</li> </ul>
<b>SECOND OFFENSE</b> (or any prior drunk driving conviction within 7 years) <ul style="list-style-type: none"> <li>\$200 to \$1,000 Fine and</li> <li>5 days to 1 Year Jail and/or</li> <li>30 to 90 Days Community Service</li> <li>Driver License Revocation</li> <li>License Plate Confiscation</li> <li>Immobilization 90 to 180 days unless forfeited</li> <li>Possible Vehicle Forfeiture</li> </ul>	<b>SECOND OFFENSE</b> (or any prior drunk driving conviction within 7 years) <ul style="list-style-type: none"> <li>\$200 to \$1,000 Fine and</li> <li>5 days to 1 year Jail and/or</li> <li>30 to 90 Days Community Service</li> <li>Driver License Revocation</li> <li>License Plate Confiscation</li> <li>Immobilization 90 to 180 days unless forfeited</li> <li>Possible Vehicle Forfeiture</li> </ul>
<b>THIRD OFFENSE</b> (or any 2 prior drunk driving convictions within 10 years) <ul style="list-style-type: none"> <li>\$500-\$5,000 fine AND either of the following:               <ul style="list-style-type: none"> <li>1-5 years prison or Probation with 30 days to 1 year jail AND 60-180 days community service</li> </ul> </li> <li>Driver License Revocation 5 years.</li> <li>License Plate Confiscation</li> <li>Registration Denial</li> <li>Immobilization 1 - 3 years</li> <li>Possible Vehicle Forfeiture</li> </ul>	<b>THIRD OFFENSE</b> (or any 2 prior drunk driving convictions within 10 years) <ul style="list-style-type: none"> <li>\$500 - \$5,000 fine AND either of the following:               <ul style="list-style-type: none"> <li>1-5 years prison or Probation with 30 days to 1 year jail AND 60-180 days community service</li> </ul> </li> <li>Driver License Revocation 5 years.</li> <li>License Plate Confiscation</li> <li>Registration Denial</li> <li>Immobilization 1 - 3 years</li> <li>Possible Vehicle Forfeiture</li> </ul>
<b>ACCIDENT CAUSING LONG-TERM INCAPACITATING INJURY (Felony)</b> <b>FIRST OFFENSE</b> <ul style="list-style-type: none"> <li>\$1,000 to \$5,000 Fine and/or</li> <li>Up to 5 Years Prison</li> <li>Driver License Revocation</li> <li>License Plate Confiscation</li> <li>Immobilization up to 180 days</li> <li>Possible Vehicle Forfeiture</li> </ul>	
<b>ACCIDENT CAUSING DEATH (Felony) FIRST OFFENSE</b> <ul style="list-style-type: none"> <li>\$2,500 to \$10,000 Fine and/or</li> <li>Up to 15 years Prison</li> <li>Driver License Revocation</li> <li>License Plate Confiscation</li> <li>Immobilization up to 180 days</li> <li>Possible Vehicle Forfeiture</li> </ul>	

■ If you drive drunk, the first thing you lose is your driver license.

**IF YOU ARE UNDER AGE 21 YOU ARE ALSO SUBJECT TO OTHER PENALTIES:**

- It is illegal to drink alcohol, buy, possess, transport or have open alcohol. It is also illegal to use a fraudulent ID to purchase alcohol.

**IF YOU DRIVE AFTER DRINKING:**

- You may be stopped by a law enforcement officer.
- If you refuse a preliminary breath test, two points will be added to your driving record.
- If you refuse a chemical test, you will lose your driver license for six months. Six points will be added to your driving record.
- The first time you are convicted of driving after consuming any alcohol, you *will*:
  - Have your driver license suspended for 30 to 90 days.
  - Have four points added to your driving record.
- You may also be sentenced to:
  - Perform 45 days of community service.
  - Pay a fine of up to \$250.
- It will cost \$125 to have your driving privileges reinstated. Attorney fees could be as much as \$2,000. The cost of your vehicle insurance will increase substantially.
- All actions *increase* for a second conviction.

Secretary of State  
Candice S. Miller

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